

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

VICTOR ENCARNACION, KALEB HAGOS,
KENNETH CLAVASQUIN, and
THE BRONX DEFENDERS, individually and
on behalf of a class of all others similarly
situated;

16-cv-156 (DLC)

Plaintiffs,

– against –

THE CITY OF NEW YORK

Defendant.

**DECLARATION OF ADAM SHOOP IN SUPPORT OF
PLAINTIFFS' MOTION TO CERTIFY A CLASS UNDER
FEDERAL RULE OF CIVIL PROCEDURE 23**

Adam Shoop declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am a Staff Attorney in the Civil Action Practice at The Bronx Defenders and co-counsel for Plaintiffs in this case. I submit this declaration in support of Plaintiffs' motion for class certification. This Declaration is made upon personal knowledge, except where otherwise noted.
2. Upon information and belief, my predecessor counsel at The Bronx Defenders, Vichal Kumar, submitted a FOIL request to the New York City Police Department ("NYPD") on or about July 29, 2014.
3. The request sought an enumerated list of records pertaining to NYPD policies and procedures regarding, and accounting for, money and property seized by the NYPD during arrests, including information about property held for safekeeping during the arrest and booking

process, property held as potential evidence in a criminal proceeding, and property subject to civil or criminal forfeiture.

4. On or about March 18, 2016, the NYPD responded to the request by providing thirteen pages of documents. The documents include eleven pages titled NYPD Property Clerk Division 2013 Accounting Summary (“Accounting Summary”) for each calendar month of the year 2013, excluding February 2013, and a three-page document titled Police Department City of New York Revenue Generated for July 1, 2012 to June 30, 2013 (“Revenue Generated”).

5. Exhibit A to this declaration is a true and accurate copy of the Accounting Summary.

6. Exhibit B to this declaration is true and accurate copy of the Revenue Generated.

7. I have reviewed the Accounting Summary and it shows thousands of NYPD “intakes” and “disposals” of U.S. currency each month, totaling millions of dollars. Upon information and belief, many of these intakes are the result of the NYPD seizing U.S. currency during an arrest and designating it as Safekeeping, Arrest Evidence or Forfeiture. Exhibit A.

8. There are more intakes than disposals in each of the months provided in the Accounting Summary. How exactly the U.S. currency is disposed of is not specified in Accounting Summary. *Id.*

9. I have also reviewed the Revenue Generated document and it shows that the NYPD generated \$6,068,976.44 from July 1, 2012 to June 30, 2013. Exhibit B. This total includes \$477,736.00 generated via affirmative Forfeiture cases. This also includes \$562,930.90 from property auctions, towing and storage fees. *Id.* The remaining total, the source of which is not specified, is \$5,028,309.54. *Id.*

10. Upon information and belief, the remaining \$5 million in revenue was derived from unclaimed sums of U.S. currency, including currency seized pursuant to an arrest.

11. According to a 2016 New York City Council report on the NYPD budget, the NYPD generated over \$6.5 million in unclaimed cash and property sale in fiscal year 2014 and over \$7 million in fiscal year 2015. This money was counted as revenue in the NYPD budget.

12. Exhibit C to this declaration is true and accurate copy of the Report on the Fiscal 2017 Preliminary Budget and the Fiscal 2016 Preliminary Mayor's Management Report New York Police Department.

Dated: June 6, 2016



Adam Shoop, Esq.
The Bronx Defenders
360 E. 161st St.
Bronx, NY 10451